

MINUTES for the ASHEVILLE DOWNTOWN COMMISSION
Regularly scheduled meeting October 9, 2009
Office of Economic Development, 29 Haywood Street

Members Present: Dwight Butner, Guadalupe Chavarria (arrived at 8:50), Brad Galbraith, Kitty Love, Byron Greiner, Harry Weiss

Members Absent: John Rogers, Jesse Plaster, Peter Alberice, Pam Myers, Jan Davis

Staff Present: Alan Glines, Jessica Bernstein, Judy Daniel, Sasha Vrtunski, Bob Oast, Julia Cogburn

Guests Attending (per Sign-In Sheet): Ruth Summers, Steve Rasmussen, Cecil Bothwell

Welcome/ Agenda Review/Minutes: Vice Chairman Dwight Butner opening the meeting at 8:40am. The minutes from the September meeting were not available for review but will be provided at the next meeting (November). At the time the meeting was called to order, there was not a quorum present so order of meeting changed a bit to first discuss the items that don't need a vote.

Updates:

Downtown Association – Byron Greiner reported that the October Fest will take place Saturday 10/10. He also reported that the "Spare Change for Real Change" program will be going into its second year and adding two new locations. \$10,000 was donated to various non-profits last year and although donations are somewhat down this year, they are expecting to be able to donate \$5-7,000. They are initiating a post card campaign in hotels to educate visitors about the program and will be seeking out private matching funds. They are looking for an endorsement from the DTC (at the time of this discussion there was no quorum so the vote was tabled).

Pack Square – No update this month. Commissioners would like an update on status of Pavilion building at the next meeting.

Downtown Task Force – Staff was unable to attend this month's meeting due to scheduling conflicts but the meeting minutes were provided to DTC in an email. Staff member Alan Glines briefly went through the minutes with the Commission and explained that the report needs some updates. Topics covered included the uncertainty of the Pack Square Pavilion project; the Wayfinding signage installation should be coming soon; 51 Biltmore (Aloft) is still on hold due to funding; and the Mt Zion Church has been communicating with staff about a possible redevelopment project in the future. As a part of departmental reconfigurations, the DTC meetings will move to City Hall, 1st floor conference room. This may happen as early as the November meeting – it is supposed to be timed with the move of OED to the 5th floor of City Hall. Staff will send an email confirmation to the group that the 1st floor conference room is consistently available and whether or not the November meeting will be held there.

Downtown Master Plan Implementation:

Update on Implementation Committees - Sasha Vrtunski, DTMP Project Manager, explained that there are the five separate action committees (Arts & Culture, Historic Preservation, Transportation, Urban Design & Development and Downtown Management). She reiterated that each committee will operate differently – there are different goals, timelines and major

players. For example, the Urban Design groups is staff heavy and fast paced, already having met several times, whereas the Downtown Management committee will be more publically driven, include focus groups and at a slower pace. Sasha provided a staff report with a list of the names of all committee appointees and asked if Commissioners had any questions, explaining that the list may be slightly different from what they saw previously because several folks had to back out due to time constraints.

Kitty Love mentioned that she's heard back from people wondering about the timelines - Sasha going to send out an email on October 12th informing the public and the committee members about the appointments. Dwight provided a more general overview of what the groups are for to the public in attendance – that the action committees will be translating the DTMP into specific actions through the UDO or otherwise. Kitty asked if all committee members will be getting color copies and Judy and Sasha explained that there isn't funding available to make color copies for all, but the color version is available online – members will get BW versions of pertinent chapters.

Byron Greiner made a motion to adopt the committee assignments as proposed in the staff report. Motion was seconded by Brad Galbraith. Discussion by the Commission regarding what should be the procedures in the event that the committees convene and realize that they need more or more diverse membership – would these additions need to be formally approved by the Commission? Kitty suggested a friendly amendment that the committees should simply keep the Commission apprised of any changes but a formal vote would not be need. The friendly amendment was accepted by Byron and the vote was for unanimous approval (6-0).

Updates:

Downtown Association – With a quorum present, the discussion returned to the endorsement of the "Spare Change for Real Change" program. Harry Weiss made the motion to continue the Commission's endorsement of the Asheville Downtown Association's "Spare Change for Real Change" program. The motion was seconded by Byron. There was no further discussion and the endorsement was unanimously supported by a 6-0 vote.

Downtown Master Plan UDO Changes:

Process for Project Review & Thresholds – Staff opened up a preliminary discussion of the proposed process changes from the DTMP, which include thresholds for review standards and how to review the largest projects to balance the goals of the DTMP with the desires of the community. Alan Glines gave general overview of the process changes coming first. These changes will be reviewed by the Urban Design action committee, then the DTC, then P&Z and finally City Council. The Urban Design action committee has met twice already to discuss these process changes and will be working towards endorsing a final version in the next week. Staff will bring those comments to the DTC next month (November meeting).

Staff provided a matrix showing the specific recommendation from the DTMP, the current practice and then the proposed change. Julie Cogburn gave a summary of the matrix, providing additional explanation on a few topics. Julie identified where the action committee has found some issues which may need options for consideration other than what is proposed in the plan. Discussion followed on how to review the largest projects – currently review all Level 3s as CUPs (Conditional Use Permits) but the DTMP suggests that the CUP is eliminated completely so these would be "site plan review" at TRC, P&Z and Council. Staff indicated some concerned that this seems redundant to have three groups

reviewing a project based on exactly the same criteria – and that it could be troubling in that the public might think that Council can review a proposal based on something different (subjective or character matters) when in reality they could not. DTMP wants to remove any uncertainty from the process that you have now with the CUP – one possibility would be to have the largest projects reviewed as a CZ instead (Conditional Zoning), or still as a CUP (only if they do not meet with the design guidelines or a technical standard) or perhaps just site plan review as the plan suggests. Staff and the action committee will be looking at this, various appeal options as well as how variances will be handled.

DTC discussion: Kitty inquired about the public notification for the required developer sponsored meeting and Alan explained that this is a developer run meeting and staff will not be in charge – staff would provide them the addresses of all property owners within 200' if they request it (corresponding with the City's notification practices) but it is really up to the developer to do follow through and would be in their best interest to do so. The real change is that the developer is now required to do the meeting whereas currently it's just a recommended practice. Brad asked if the action committee has discussed establishing minimum standards for those developer sponsored meetings, Bryon asked about the timing of the meeting and Kitty wanted to know about the reporting of those meetings - how the DTC will know if the public's comments are addressed throughout things. Staff will report back on these issues at the next meeting.

Dwight brought up concerns regarding the elimination of the CUP – this was a big community issue to cease the politicizing of the process and he's concerned that we're now trying to back off. Julie explained how the DTMP language and recommendation on this wasn't entirely clear because if it's all site plan review it's the same review three times over. Sasha explained that consultants found Asheville to have the most stringent review process in the entire state and that in some cities the Council doesn't even look at big projects. Dwight is concerned that if we try to revisit that central issue – there will be community opposition. Steve Rasmussen (public attendee) gave a synopsis of how the action committee discussed this, that they felt there is a large part of the community who wants Council to be able to evaluate projects on character and harmony in some ways and that the big issue was the way the CUP works (how Council cannot look at or discuss it ahead of time). Brad feels that the recommendation for Council to do only site plan review is what the plan says, so that should be what the committee and Commission recommends as well, but if there are members of the community who are still unsettled – this process will help. It's good to go through the discussion and vet out the issue (although the document is clear). Julie said staff isn't trying to derail the intent of the plan but doesn't want to trick the public that there is any reason to show up to Council on a project if they aren't reviewing it based on anything new that TRC and P&Z didn't already review. Alan/Sasha said the action committee and the staff just want to point out options and the DTC will get to evaluate those options (as will P&Z and ultimately Council). Dwight felt that the community had a balanced process in creating the plan and we need to be careful that doing this doesn't throw that away. Byron asked if Council can just be brought in earlier in the process and City Attorney Bob Oast explained that a CZ could do this, but that CZ is a relatively new process in North Carolina (4 or 5 years) and the main difference is that CZ is not quasi-judicial like a CUP although it accomplishes many of the same things – but that there's no ex-parte communication restrictions. Harry talked about “unintended consequences” and that there may be areas where what the plan suggests might not be in the best interest of the City or the community (this is going to be especially true with the next set of UDO changes) which is why the reviewing groups will be offering “commentary” along with the proposed changes so that everyone can make well-

rounded, informed decisions on implementation. Harry continued that this can't be a process-only discussion since so many of the design changes will influence how the process actually works in the future – things are being structured so that there will be more predictability in the review based on the standards themselves.

Discussion (and vote) will continue at the November meeting with a report from the action committee.

Downtown Design Review:

Sign Variance Recommendation to BOA – Grove Arcade - Staff presentation by Jessica Bernstein. The request relates to Section 7-13-4(c)b. of the UDO regarding signs for multi-tenant structures. The code specifies that *"For a multiple tenant development, the development itself is allowed one identification sign...for each property boundary with street frontage with a maximum of two signs allowed per development."* The Grove Arcade has street frontage on four sides and currently has no identification signs for the development itself. Until now, signage has been accommodated for the individual tenants as well as a-frame signs at various entrances. They are proposing attached signage in the form of lettering on the canopies at the southern end of the building along Battery Park Ave. Although this proposal does not exceed the number of identification signs allowed for a multi-tenant development, the UDO does not permit both signs to be located on the same frontage. The applicant has requested this location variance to create a more uniform look to the signage along the Battery Park frontage.

Planning staff will be recommending approval to the Board of Adjustment at their October 26th meeting. Approval will mean that no additional general identification signage will be allowed on the other three street frontages. Proposal complies with current design guidelines.

DTC discussion: Brad wanted to be sure that approval of this variance would mean that they cannot apply for signage on the other three frontages. Staff stated that this was true – but not that the applicant couldn't come back later with a completely different proposal as a new submittal. Ruth Summers, Executive Director for the Grove Arcade explained that their biggest issue is that there isn't any overall, general signage and visitors constantly have trouble finding the Grove Arcade, even when they are right in front of it. But she also explained that they do not want to install signage directly onto the building so as not to detract from its historical significance (it's a registered landmark) so they are proposing to place the signs on the porticos.

Commissioner discussion: If the Grove Arcade is having such a difficult time with identification, they should propose a more comprehensive package that includes signage on all four sides. Brad Galbraith made the motion, seconded by Guadalupe with a unanimous vote of support (6-0).

Design Guideline Adoption – continued from September 2009 meeting – Harry provided a quick background. Alan explained that for now, the design guidelines are presented with the UDO elements completely removed so they are all the "recommended" or the "voluntary compliance" guidelines. The UDO/ mandatory compliance/ required elements will come back in at a later date once they're adopted by Council. Staff brought the tracked changed copy so DTC can see exactly what the group (design review subcommittee) is proposing to do. Some elements were recommended by plan to be required (UDO) but the group decided that

they're better off in the recommended section because they're subjective and don't have definable, measureable qualities – such as caps “distinctly of Asheville”, photomontages, etc. UDO items need to be clearly defined – you meet it or you don't. Revisions went the other way as well – some thing were quite specific in direction but were included as “recommended” in the plan so the group is suggesting that those items should be changed to be UDO requirements. Harry has recommended that the action committee also review the guidelines so that they'll understand how things are moving from one side to the other. Dwight stated that this is separating the qualitative from the quantitative. Harry reiterated that any issues that come up in the process discussion directly relate to the design changes and it all needs to be looked at together (even though staff has separated them out). Dwight gave a background on why the DTC wants to move forward quickly with the design guidelines (that it was prompted by the pack square wording amendment).

Harry wants the action committee to review this first and also that there should be more members present for a vote. Guadalupe made the motion to continue to the November meeting, which was seconded by Harry with a 6-0 vote.

Public Comment - none

Meeting Adjourned: Harry motion, Bryon 2nd, 6-0 meeting closed at 10:00